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May 1, 2019

BY ECF AND ELECTRONIC MAIL

The Hon. Cathy Seibel
United States District Judge
United States District Court
for the Southern District of New York
300 Quarropas St.
White Plains, NY 10601-4150

Re: Berger v. Imagina Consulting (18 Civ. 8956 (CS)(JCM))

Dear Judge Seibel:

I represent the defendant Imagina Consulting Inc. in this action. Pursuant to the Court's minute order entered on 4/19/2019 at 12:29 PM EDT and filed on 4/18/2019, I write to submit my billing records for the time I spent on the pending discovery dispute. I am billing my time on this engagement at a rate of \$350 per hour, which is a substantial discount from my usual hourly rate of \$495 per hour.

My time records for this discovery dispute begin on March 1, 2019 – the date on which I first contacted Mr. Liebowitz regarding his failure to provide discovery on the schedule he agreed to – and continue through the date of our telephonic conference on April 18, 2019. All of the time entries during that period relate to that dispute. The time entries include time spent on reviewing and marking up the plaintiff's proposed confidentiality order because Mr. Liebowitz insisted on the entry of such an order, but later conceded he had no documents that were actually confidential.

Of the 14.4 hours shown, (i) 0.1 hours on March 1 was not charged at all, (ii) 4.2 hours (plus another \$18.50 in trainfare) are attributable to the April conference in White Plains that Mr. Liebowitz failed to attend, and (iii) 2.2 hours are attributable to the preparation for and conduct of our conference on April 18. I respectfully suggest that the plaintiff's counsel's complete disregard of his discovery obligations should result in his being charged with the entire \$5,023.50, and that result would obtain even if he provides a legitimate excuse for missing the April 12 court date.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig J. Albert".

Craig J. Albert

Enclosure

Copy to Richard Liebowitz, Esq. (via email)

Albert PLLC

Staff Activity

This report encompasses Fri Mar 01 2019 - Sun Apr 21 2019

Run Date: May 1, 2019, 8:33 AM

Staff Member	Matter / Event	Event Type	Event Dates	Hours Worked	Billable Amount
Craig J Albert					
<u>Jason Berger v Imagina Consulting 1100.01 Matter Start: Mon Dec 10 2018</u>					
	Email Liebowitz re discovery responses [no charge]	Compose Email	Start: Fri Mar 01 2019 Closed: Fri Mar 01 2019	0.1 hrs	\$ 0.00
	Draft letter to Liebowitz re discovery deficiencies, emails with Liebowitz re same, see rules for communications with chambers of Judge McCarthy	Other	Start: Wed Mar 13 2019 Closed: Wed Mar 13 2019	0.9 hrs	\$ 315.00
	Revisions to Liebowitz's draft confidentiality order, email client re change in scheduling of settlement conference, letter to magistrate judge re adjournment in light of plaintiff's failure to provide discovery, emails with Liebowitz re same	Drafting	Start: Thu Mar 14 2019 Closed: Thu Mar 14 2019	2.1 hrs	\$ 735.00
	Finalize letter to magistrate judge re scheduling change, letter to Judge Seibel re request for confidentiality order, emails with Liebowitz re same	Drafting	Start: Fri Mar 15 2019 Closed: Fri Mar 15 2019	0.4 hrs	\$ 140.00
	Emails with Liebowitz re request to confer on deficiencies in document production and interrogatories.	Compose Email	Start: Tue Mar 19 2019 Closed: Tue Mar 19 2019	0.1 hrs	\$ 35.00
	Teleconf Liebowitz re completion of discovery	Phone Call	Start: Thu Mar 21 2019 Closed: Thu Mar 21 2019	0.1 hrs	\$ 35.00
	Emails with Liebowitz re request to confer on discovery dispute, teleconf Liebowitz re compliance schedule, draft confirming letter and send	Other	Start: Wed Mar 27 2019 Closed: Wed Mar 27 2019	0.2 hrs	\$ 70.00
	Email Liebowitz re discovery deficiencies (0.1), review judge's rules and draft initial letter to judge re request for conference, file and serve (0.3), review judge's minute order and draft supplemental letter in response (1.4)	Other	Start: Fri Apr 05 2019 Closed: Fri Apr 05 2019	1.8 hrs	\$ 630.00
	Research cases cited by Liebowitz in letter opposing discovery conference and compare response to previous positions on document availability (0.6), email client re status (0.1)	Other	Start: Wed Apr 10 2019 Closed: Wed Apr 10 2019	0.7 hrs	\$ 245.00
	Emails with Liebowitz re discovery issues raised in his response letter	Other	Start: Thu Apr 11 2019 Closed: Thu Apr 11 2019	0.2 hrs	\$ 70.00
	Assemble materials for conference (0.2), travel to White Plains, attend conference, return (4.0)	Other	Start: Fri Apr 12 2019 Closed: Fri Apr 12 2019	4.2 hrs	\$ 1,470.00
	Emails with Liebowitz re compliance and settlement, background research re Liebowitz's court commitments for 4/12/19, review minute order re 4/12 conference, email Liebowitz re settlement proposal, email client re status	Other	Start: Mon Apr 15 2019 Closed: Mon Apr 15 2019	1.4 hrs	\$ 490.00
	Prepare for compliance conference (chart of deficiencies and commitments, trade show attendance, schedule of communications) (1.2), telephonic conference with judge (0.9), phone call following with Liebowitz (0.1)	Other	Start: Thu Apr 18 2019 Closed: Thu Apr 18 2019	2.2 hrs	\$ 770.00
Totals for the Matter of:				Hours	Billable
Jason Berger v Imagina Consulting 1100.01				14.40	\$ 5,005.00
Totals for the Staff Member :				Hours	Billable
Craig J Albert				14.40	\$ 5,005.00
Firm Totals:				Hours	Billable
Totals:				14.40	\$ 5,005.00

Albert PLLC

Staff Activity

HoudiniESQ

May 1, 2019, 8:33 AM

1 / 1